

## REMARKS

### **THE AMENDMENTS AND REASONS FOR AMENDMENTS**

Applicant amends claims 1, 4, and 10. Thus, claims 1-15 are pending upon entry of this amendment.

The amendments are made to clarify the claimed invention and to expedite the allowance of the present application. Applicant reserves the right to file applications claiming the benefit of priority to the present application claiming the subject matter of the present and other applications.

### **THE CLAIMED INVENTION COMPLIES WITH 35 U.S.C. § 112, SECOND PARAGRAPH**

The Examiner rejected claims 1-3 under 35 U.S.C. § 112, second paragraph, as allegedly being unclear with respect to the phrase “optionally” and the limitation following the phrase.

In order to expedite allowance of the claims, Applicant has amended independent claim 1 from which claims 2 and 3 depend from in order to delete the phrase “optionally.”

### **THE PRIOR ART FAILS TO ANTICIPATE THE CLAIMED INVENTION UNDER 35 U.S.C. § 102**

The Examiner rejected claims 1, 2, 4, 6, 10, and 12 under 35 U.S.C. § 102(b) as allegedly being anticipated by Logue (US 6,264,529). The Examiner alleges that the Logue reference discloses a device and method for tracking breast feeding sessions including a sticker 30 attachable to either the left or right side of the bra indicating which breast was used during the last feeding session. The Examiner further states that for claim 1 and 2 the term “optionally” was assumed in the negative.

Although Applicant respectfully disagrees with the Examiner's characterization of the teachings of Logue, in order to expedite allowance of claims, Applicant has amended independent claim 1 to delete the phrase "optionally" and has amended independent claims 4 and 10 to recite the element of a sticker having a place for recording the time and length of the breast feeding session rendering this rejection moot. Thus, Logue does not anticipate the claims. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

#### **APPLICANT'S CLAIMED INVENTION IS NOT OBVIOUS UNDER 35 U.S.C. § 103**

The Examiner rejected claims 1, 3, 5, 7-9, 11, and 13-15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Logue.

The Examiner alleges, with respect to claims 3, 8, and 14, that although indicators 30 are shown attaches to a nursing bra, it would be obvious to attach the same to a night gown or other items. The Examiner also alleges, with respect to claims 1, 5, 7, 9, 11, 13, and 15, that although recording the time and length of the breast feeding session is not mentioned in Logue, it would be obvious to use the indicators 30 of Logue for recording the time and length of breast feeding sessions.

Applicant respectfully disagrees with the Examiner's characterization of the teachings in Logue. The Examiner mistakenly reads the Logue reference as disclosing a device and method for tracking breast feeding session including a sticker 30 attachable to either the left or right side of the bra indicating which breast was used during the last feeding session. In fact Logue discloses an alternating breast nursing system including a pair of fasteners 20 and an indicator 30, wherein each fastener 20 is designed for coupling to a respective side of a nursing bra 40 (US 6,264,529 Column 3, Lines 42-46). Furthermore, Logue teaches that the indicator 30 is selectively couplable to a selectable one of the fasteners 20 for facilitating determination of a breast preferred for use when breast feeding to insure alternating between breast from feeding to feeding (US 6,264,529 Column 3, Lines 47-50).

According to the teaching of Logue, the alternating breast nursing system requires at least four elements to function properly: 1) a pair of fasteners; 2) designed for coupling to a respective side of a nursing bra; 3) an indicator; 4) selectively couplable to a selectable one of the fasteners.

On the other hand, Applicant's claimed invention requires at a minimum only two elements: 1) a sticker; 2) able to directly stick on either the right or the left side of an article of clothing. Applicant's claimed invention does not require the four elements of Logue, wherein a 1) a pair of fasteners are 2) attached to a respective side a nursing bra, and 3) an indicator is 4) selectively coupled to one of the fastener to draw the attention of user to the indicator.

Applicant's claimed invention requires fewer elements and has many advantages over the Logue's alternating breast nursing system, such as, fewer attachable parts making the claimed invention much more easier to use by nursing mothers, providing one less concern for the new mother and also lower cost of manufacture due to its more simple device and methods of use. Another benefit of the present invention is that, the stickers of the present invention are disposable, providing one less concern for the new mother.

It is respectfully submitted that it is improper for the Examiner to unilaterally assume elements of the claimed invention to be obvious without providing, at a minimum, a suggestion in the references for the allegedly obvious elements of the claimed invention. As stated before, Logue discloses an alternating breast nursing system that requires a minimum of four elements, and nowhere in the Logue reference is there a teaching or a suggestion for providing the elements of the claimed invention, which requires only two elements.

In addition, an important aspect of the present invention is providing a patentably novel and non-obvious sticker which includes a place for recording the time and length of the breast feeding session. This information is enormously important for nursing mothers. Often times, a nursing mother, especially during the early days of nursing or a nursing mother who is breast feeding a newborn for the very first time, is near insensate due to recovering from child birth, lack of sleep, round the clock child care, and other distractions from family members that the nursing mother becomes unaware to some of the details that have newly become important details such as what time was the last breast feeding session, which breast did she use during the last breast

feeding session, and how long did the breast feeding session last. It is more comfortable and healthier for the mother and the newborn baby if the mother feeds the baby at regular intervals and alternates breasts at each feeding. The stickers provide an easier method for mothers who keep a journal or spreadsheet to record the times and sides used. These important often overlooked details that become crucial information for the mother after child birth are provided for by the claimed invention. The present invention has fewer elements than the Logue device and method and provides crucial added information for the mother which the Logue device and method does not.


In order to expedite allowance of claims, Applicant has amended independent claim 1 to delete the phrase "optionally" and has amended independent claims 4 and 10 to recite the element of a sticker having a place for recording the time and length of the breast feeding session rendering this rejection moot. Thus, Logue does not anticipate the claims and does not make the claims obvious. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

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Respectfully submitted,

  
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